



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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JUL 10 1997

8EPR-EP

Rick Cables
Forest Supervisor
Pike and San Isabel National Forest
Comanche and Cimarron National Grasslands
1920 Valley Drive
Pueblo, Colorado 81008

RE: Wild and Scenic River Study Report and Draft
Legislative Environmental Impact Statement --
North Fork of the South Platte and the South
Platte Rivers

Dear Mr. Cables:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA), Region VIII, has reviewed the "Wild and Scenic River Study Report and Draft Legislative Environmental Impact Statement--North Fork of the South Platte and the South Platte Rivers" (DLEIS). Previous to this, EPA submitted comments (October 27, 1995) on the "Preliminary Wild and Scenic River Eligibility and Classification for the South Platte River and the North Fork of the South Platte River" as well as scoping comments (May 29, 1996) in response to the Forest Service's "Notice of Intent...". In addition, EPA representatives met with members of your staff on several occasions to discuss the Wild and Scenic River Study.

The Forest Service is to be commended for the thorough documentation of the significant attributes of the respective river reaches evaluated. These findings are consistent with the previous evaluations of portions of the South Platte and the North Fork of the South Platte. The existence of the "Outstandingly Remarkable Values" for the reaches of the South Platte and the North Fork evaluated provide ample testimony to critical importance of appropriate management to protect these outstanding values.

While EPA generally concurs with the Forest Service findings regarding the attributes of the South Platte and the North Fork of the South Platte, we have several serious concerns with other aspects of this DLEIS. Our most critical concerns are the lack of any recommended protection for the North Fork despite the documentation of "Outstandingly Remarkable Values" and the dual proposed action approach with no discussion of environmental consequences of one of the proposed actions, Alternative A2. These are discussed in further detail below and in the attached EPA Region VIII Comments.

The DLEIS documents "Outstandingly Remarkable Values" (Cultural Resources-Historic, Recreational, and Wildlife) for Segment H (North Fork, Confluence to Insmont). We believe that a strong case could be made that the "geologic" and "scenic" values are also "Outstandingly Remarkable." However, even in the absence of acknowledging these additional natural attributes of Segment H, the three documented "Outstandingly Remarkable Values" of Segment H would seem to be generally compatible with the three "Outstandingly Remarkable Values" for the Cache la Poudre which, as the DLEIS notes, is a designated wild and scenic river. Therefore, EPA believes that, given the documented "Outstandingly Remarkable Values" of Segment H of the North Fork (Confluence to Insmont), the Forest Service should recommend designation to protect those values. It would seem that this reach should qualify for "scenic" designation.

EPA's second major concern with the DLEIS is the manner in which Alternative A2 is addressed. We agree that it is appropriate to consider a range of alternatives for protecting the identified resource values. However, to have Alternative A2 as a dual agency "proposed action" when the Alternative is acknowledged to be speculative and the environmental consequences are not (cannot be) disclosed in the DLEIS is most troublesome, and in EPA's view, inconsistent with the NEPA and CEQ regulations. Furthermore, while we acknowledge that it is appropriate to evaluate an array of alternatives, it is very difficult for EPA to envision some type of "local protection alternative" that would in fact provide the same level of resource protection that would be provided by formal designation. This would seem particularly true for potential activities on Federal lands in the area as well as for potential water development activities.

Another concern is that the DLEIS does not adequately discuss how the alternative designations would relate to broader watershed, ecosystem management and biodiversity goals. Specifically, there is the Congressionally established Lost Creek Wilderness, as well as the Sheeprock Roadless Area, Thunder Butte Roadless Area, and Green Mountain Roadless Area, in the general vicinity of the segments of the South Platte and North Fork evaluated in the DLEIS. As noted in our May 29, 1996 scoping comment letter, EPA believes that the

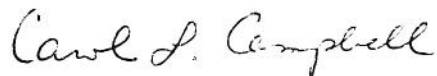
Forest Service should address the ecosystem/watershed/biodiversity aspects of the potential wild and scenic designations of the river segments under consideration.

Because the Forest Service has dual "proposed actions", EPA has rated each proposed action separately. We rate proposed action A2 as EO-2; the EO (Environmental Objection) because there is no indication that this Alternative would result in protection of the "Outstandingly Remarkable Values" of evaluated river segments. The 2 (insufficient information) is because the draft does not contain sufficient information for EPA to fully assess environmental impacts.

EPA rates Alternative J, the other proposed action, as EC-2. The EC (Environmental Concerns) rating is primarily for the fact that although the Forest Service identified "Outstandingly Remarkable Values" for the North Fork of the South Platte, Alternative J makes no recommendations to protect these values. As noted previously, EPA believes that Segment H (North Fork from the Confluence to Insmont) should be considered for "recreational" designation to protect the identified "Outstandingly Remarkable Values."

If you have any questions regarding our comments, please contact Gene Reetz (303-312-6850) or Dave Ruiter (303-312-6794). We would be very interested in an opportunity to meet with your staff to further discuss EPA's concerns on this NEPA document.

Sincerely,



Carol L. Campbell, Director
Ecosystem Protection Program
Office of Ecosystem Protection and
Remediation

Enclosure

cc: Elaine Suriano

**EPA REGION VIII COMMENTS ON
WILD AND SCENIC RIVER STUDY REPORT AND
DRAFT LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT--
NORTH FORK OF THE SOUTH PLATTE AND THE SOUTH PLATTE RIVERS**

Wild and Scenic River Study Report and Draft Legislative Environmental Impact Statement -- North Fork of the South Platte and the South Platte Rivers.

Chapter I

p. I-6, 1.3 *Proposed Action.* As noted in the cover letter, EPA believes that Alternative J does not provide for protection of the "Outstandingly Remarkable Values" for the North Fork of the South Platte that were documented in the Forest Service's assessment. EPA recommends that Segment H of the North Fork (Insmont to Confluence) be considered for "scenic designation", as this would help protect and manage for the "Outstandingly Remarkable Values" of this river reach.

Also, as discussed in the cover letter, EPA has major concerns with Alternative A2 as there is no discussion of the substance of this Alternative, the environmental consequences of this Alternative, and how it could protect the "Outstandingly Remarkable Values" in a manner comparable to formal designation.

Chapter II

It would seem appropriate to discuss the broader watershed, ecosystem management, and biodiversity aspects of general area as the DLEIS describes the "Description of Area / Affected Environment". The existence of the Congressionally established Lost Creek Wilderness, the Sheeprock Roadless Area, Thunder Butte Roadless Area, and Green Mountain Roadless Area in the general vicinity of the river segments being considered should be factors in considering wild and scenic river protection and management.

p. II-33, Chart II-3. The occurrence of the federally listed Pawnee Montane Skipper should be noted in this chart.

The Nature Conservancy and the Colorado Natural Heritage Program have been studying the South Platte Basin, and we recommend the Forest Service contact these organizations to determine if any additional information on the occurrence of rare plants and/or animals in the study area exists.

p. II-55 It should be noted that in addition to the "Recommended Determination", EPA issued a "Final Determination" under 404(c) and that this action has been upheld in a June 5, 1996 U.S. District Court

Decision. (See page III-3 of the DLEIS.)

The discussion of water resources and regional water supplies should acknowledge the Environmental Impact Statement for the proposed Two Forks Dam and Reservoir identified a number of alternatives for meeting regional water supply needs.

p. II-59 *Colorado Division of Fish and Wildlife.* This agency's role in designating various segments of the South Platte as Gold Medal and Wild Trout fisheries should be noted.

p. II-65,66 As noted previously, the Environmental Impact Statement for the proposed Two Forks Dam and Reservoir identified a number of alternatives for meeting regional water supply needs. What are the specific "legal and institutional barriers" that are mentioned on page 11-65?

Chapter III

p. III-12 As noted in the cover letter, EPA believes that the Forest Service has done a very commendable job of documenting the "Outstandingly Remarkable Values" of the South Platte River. In addition to the Forest Service's documented three "Outstandingly Remarkable Values" for Segment H of the North Fork, it is EPA's perspective that the "Geologic" and "Scenic" values are also "Outstandingly Remarkable".

Chapter IV

p. IV-1 As previously noted, EPA has significant concerns with the manner in which Alternative A2 is included in the DLEIS.

p. IV-2 Given the "Outstandingly Remarkable Values" the Forest Service documented for Segment H of the North Fork, it is unclear why the DLEIS finds this reach "unsuitable for designation". The rationale for this should be explained.

p. IV-8 See cover letter for comments on Alternative A2. (Proposed action)

p. IV-11 See cover letter for comments on Alternative J. (Proposed action)

Chapter V

p. V-1 As noted in the cover letter, it seems inappropriate to have a "proposed action", Alternative A2, for which the "environmental consequences" cannot be described.

p. V-10, 11 It should be noted that the potential impacts of the alternatives are

speculative and that the Two Forks Environmental Impact Statement identified various options for providing water to the metropolitan area.

p. V-18 See previous comments relative to water supply.

p. V-30 As noted in the cover letter, EPA recommends that environmental consequences of the alternatives should be discussed in terms of watershed and ecosystem management goals as well as biodiversity.

p. V-31 See previous comments concerning proposed actions. Alternative J and Alternative A2.